IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.298 (S/B) of 2003

1. State of Uttaranchal through Executive Engineer, Dakpathar Basti & Yatayat Khand, Dakpathar, District Dakpathar
2. Executive Engineer, Dakpathar Basti & Yatayat Khand, Dakpathar, District Dakpathar

.....Petitioners

Versus

1. Sri Sita Ram Goyal, Aged about 68 years, S/o Late Sri Banarsidas Goyal, R/o Doon Stationers, Kalsi Road, Dakpathar, District Dehradun
2. Public Service Tribunal, Uttaranchal, Dehradun

.....Respondents

Sri K.P. Upadhyaya, learned standing counsel for the petitioners.
Sri V.K. Bisht, Senior Advocate, learned counsel for the respondents.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: March 08, 2006

By means of this writ petition, the petitioner has prayed for writ of certiorari to quash the impugned judgment and order dated 13.01.2003 (Annexure No. 1) passed by Public Service Tribunal, Dehradun in Claim Petition No.95/T/01, wherein the Tribunal has set aside the recovery from the respondent regarding penal rent of amounting Rs.78,368/- of the premises occupied by him after the retirement i.e. from 01.03.1993 upto the date of vacation dated 24.05.1998.

2. Learned counsel for Respondent No.1 submitted that the judgment of the Public Service Tribunal has been executed. The judgment passed by the Tribunal is not in accordance with law, which provides for imposition of penal rent in the case of transfer or retirement of the Government servant and in

case he occupies the premises beyond the prescribed period. Though, since the Tribunal's order has been complied with, therefore we are not inclined to interfere with the judgment to that extent. However, the Tribunal's order directing to refund the excess amount to the respondent No.1/petitioner is hereby quashed. It is further made clear that the post retiral dues of the petitioner shall be cleared within a period of two months from the date of production of certified copy of this order.

3. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang